

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DELOIS PIPPEN, as Special Administratrix
of the Estate of Lucille G. Billings, deceased,
and on behalf of the wrongful death beneficiaries
of Lucille G. Billings; and on behalf of all others
similarly situated

PLAINTIFF

v.

Case No. 1:16-cv-1069

PINEWOOD HEALTH AND REHABILITATION, LLC;
ARKANSAS SNF OPERATIONS ACQUISITION, LLC;
ARKANSAS NURSING HOME ACQUISITION, LLC;
CSCV HOLDINGS, LLC; CAPITAL FUNDING GROUP, INC.;
SLC PROFESSIONALS, LLC; SLC PROFESSIONALS AR7, LLC;
SLC PROFESSIONALS HOLDINGS, LLC; SLC OPERATIONS
HOLDINGS, LLC; SLC OPERATIONS, LLC; SLC
ADMINISTRATIVE SERVICES OF ARKANSAS, LLC;
SENIOR LIVING COMMUNITIES OF ARKANSAS, LLC;
ADDIT, LLC; SLC OPERATIONS MASTER TENANT, LLC;
SLC PROPERTIES, LLC; 1101 WATERWELL ROAD, LLC;
CSCV ARKANSAS REALTY, LLC; ALAN ZUCCARI;
BRIAN REYNOLDS; JOHN W. DWYER; DANIEL BAIRD;
TROY MORRIS, in his capacity as Administrator of Pinewood
Health and Rehabilitation, LLC; EMILY GREENE, in her
capacity as Administrator of Pinewood Health and Rehabilitation, LLC;
CAROL HOELSCHER, in her capacity as Administrator of Pinewood
Health and Rehabilitation, LLC; and BARNEY L. PIERCE, in his
capacity as Administrator of Pinewood Health and Rehabilitation, LLC

DEFENDANTS

ORDER

Before the Court is Plaintiff DeLois Pippen's Motion to Stay Proceedings. (ECF No. 37). Defendants filed a response. (ECF No. 38). Plaintiff filed a reply. (ECF No. 39). The Court finds the matter ripe for consideration.

On March 27, 2017, Plaintiff filed a Petition for Permission to Appeal with the United States Court of Appeals for the Eighth Circuit pursuant to 28 U.S.C. § 1453(c)(1). Plaintiff's petition for appeal challenges the Court's order denying remand on the basis that Defendant Troy

Morris was also a defendant in two other similar class actions within the past three years, and thus the local-controversy exception to CAFA does not operate to mandate remand. Plaintiff's petition argues that although Defendant Morris is the same individual in all three cases, he was sued in his capacity as administrator of three separate nursing homes operated by three separate groups of ownership defendants. Thus, Plaintiff's petition concludes that because Defendant Morris was sued as three distinct entities in the three lawsuits, that he was not a defendant in a similar class action within the past three years, and thus the local-controversy exception to CAFA requires remand of this case to state court.

On March 31, 2017, Plaintiff filed the instant motion, requesting that the Court stay this matter pending the resolution of her petition for permission to appeal. Defendant opposes the request.

On May 1, 2017, the Eighth Circuit denied Plaintiff's petition for permission to appeal. Accordingly, Plaintiff's motion (ECF No. 37) is hereby **DENIED AS MOOT**. Plaintiff's response to Defendants' motion for judgment on the pleadings must be filed within seven (7) days of the entry of this Order.

IT IS SO ORDERED, this 1st day of May, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge